



THE CITY OF NEW YORK
LAW DEPARTMENT
 100 CHURCH STREET
 NEW YORK, NY 10007

MICHAEL A. CARDOZO
 Corporation Counsel

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/3/07 dc

GABRIEL HARVIS
 Assistant Corporation Counsel
 Phone: (212) 788-1816
 Fax: (212) 788-9776
 gharvis@law.nyc.gov

May 3, 2007

BY FAX

Honorable Barbara S. Jones
 United States District Judge
 United States Courthouse
 Southern District of New York
 500 Pearl Street, Room 620
 New York, New York 10007

Re: Audley Barranco, et al. v. The City of New York, et al.
 07 CV 3074 (BSJ)(GWG)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to this matter. Without appearing or making any representations as to the adequacy of service, I write to respectfully request an enlargement of time from May 7, 2007 until July 7, 2007, for the City of New York to answer or otherwise respond to the complaint. Plaintiff's counsel has consented to this application.

In the complaint, plaintiffs allege, *inter alia*, that in the early morning hours of January 19, 2007, they were falsely arrested while working as security guards at a nightclub. There are several reasons for seeking an enlargement of time. First, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. As the complaint indicates that the charges against plaintiffs were dismissed, this office will be forwarding to plaintiffs for execution consents to the designation of the Corporation Counsel as plaintiffs' agent for release of records sealed pursuant to New York Criminal Procedure Law §160.50. Pursuant to that statute, all official records concerning plaintiffs' arrest and/or prosecution, including police records, are sealed. Defendant cannot obtain these records without the designation, and without the records, defendant cannot properly assess this case or respond to the complaint.

Application GRANTED

SO ORDERED

Dated: 5/3/07

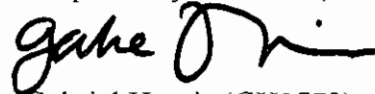
BARBARA S. JONES
 U.S.D.J.

Second, the docket sheet indicates that defendant Lagano was served on April 25, 2007. The extension should allow time for this office to confirm the validity of the purported service, and to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent this defendant. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

No previous request for an extension has been made. Accordingly, we respectfully request that defendant City of New York's time to answer or otherwise respond to the complaint be extended to July 7, 2007.

Thank you for your consideration of this request.

Respectfully submitted,



Gabriel Harvis (GH2772)
Assistant Corporation Counsel

cc: Jonathan Strauss, Esq. (by Fax)
Attorney for Plaintiffs
233 Broadway, Suite 900
New York, NY 10279